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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,890	08/27/2003	Frederick J. Diggle III	030311	5108
26285	7590	10/01/2004	EXAMINER	
KIRKPATRICK & LOCKHART LLP 535 SMITHFIELD STREET PITTSBURGH, PA 15222			KING, ANITA M	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/648,890

Applicant(s)

DIGGLE ET AL.

Examiner

Anita M. King

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 6, 10, 14-16 and 19 is/are rejected.
- 7) ☒ Claim(s) 2-5, 7-9, 11-13, 17, 18 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/19/03, 12/12/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

This is the first office action for application number 10/648,890, Line Support Systems, filed on August 27, 2003.

### ***Drawings***

The drawings are objected to because the protrusion, "16" and the recess, "63" are not clearly shown in the drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "the first and second support members" bridging lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 10, 14-16, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,119,993 to Youngblood et al., hereinafter, Youngblood. Youngblood discloses a lines support comprising: a support member (20) having an elongate body forming a loop, the support member configured such that a positive biasing force is provided at a distal end of the line support wherein a first support arm (21) and a second support arm (22) are biases to abut one another and capable of separation at the distal end of the line support when a sufficient force is applied to over the biasing force; an alignment retainer (10) located at distal ends of the first and second support arms and capable of assisting in positioning the first and second support arms in abutment; a bias adjustment mechanism (24) selectively positionable

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about the first and second support arms and configured such that the biasing force is selectively adjustable; wherein at least one of the first and second support arms has an attachment mechanism capable of attaching the line support to a securing structure (Co. 3, lines 40-54); and wherein the adjustment means is capable of being adjusted manually.

Claims 1, 6, 10, 14, 16, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,834,327 to Byrne. Byrne discloses a line support comprising: a support member having an elongate body forming a loop (2), the support member configured such that a positive biasing force is provided at a distal end of the line support wherein a first support arm (3) and a second support arm (4) are biased to about one another and capable of separation at the distal end of the line support when a sufficient force is applied to overcome the biasing force; an alignment retainer (5) located at the distal ends of the first and second support arms and capable of assisting in positioning the first and second support arms in abutment; a bias adjustment mechanism (1 & 25) selectively positionable about the first and second support arms and configured such that the biasing force is selectively adjustable; wherein the adjustment mechanism further comprises at least one elastic biasing member (25) positioned between the first and second support arms; wherein at least one of the first and second support arms has an attachment mechanism capable of attaching the line support to a securing structure; and wherein the adjustment means is capable of being adjusted manually.

***Allowable Subject Matter***

Claims 2-5, 7-9, 11-13, 17, 18, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 2,902,736 to Hampe

U.S. Patent 2,946,619 to Wahl

U.S. Patent 3,310,333 to Hutson

U.S. Patent 3,757,893 to Hobbs

U.S. Patent 3,903,785 to Pepper, Jr.

U.S. Patent 4,019,609 to Wagner

U.S. Patent 4,667,772 to Kammerer

U.S. Patent 5,142,745 to Setty et al.

U.S. Patent 5,199,137 to Edwards

U.S. Patent 5,660,113 to Lehotsky

U.S. Patent 5,927,438 to Ostrobrod

U.S. Patent 6,283,426 to Guthrie et al.

U.S. Patent 6,712,181 to Nichols

U.S. Patent 6,732,981 to Franks et al.


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The above patents all disclose various types of devices capable of supporting lines.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (703) 308-2162. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Anita M. King  
Primary Examiner  
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September 27, 2004